

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION**

**HAROLD KELLY MURPHY,** )

**Plaintiff.** )

**v.** )

**Case No.: 2:06-cv-618-MEF**

**SOUTHERN ENERGY HOMES, INC.,** )

**et al.,** )

**Defendants.** )

**DEFENDANT'S EVIDENTIARY SUBMISSION IN SUPPORT OF ITS  
MOTION TO EXCLUDE TESTIMONY AND OPINIONS OF PLAINTIFF'S EXPERT  
KONDNER DAUBERT AND REQUEST FOR IN LIMINE HEARING**

COMES NOW Defendant Southern Energy Homes, Inc., submits the following as evidence in support of its motion in the above-styled matter:

- A. Complaint
- B. Kondner Report in *Murphy*
- C. Kondner Deposition Excerpts from *Ford*
- D. Kondner Deposition in *Murphy*
- E. Declaration of David Tompos
  - E-1 (CV)
  - E-2 (Expert Report)
- F. HUD Letter
- G. Parks Deposition Excerpts from *Murphy*
- H. Kondner Reports in *Deese*, *Ford*, and *Strickland*
- I. Parks Report in *Murphy*
  - I-1 (CV)

I-2 (Expert Report)

Respectfully submitted,

/s/Thomas W. Thagard III

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**CERTIFICATE OF SERVICE**

I hereby certify that on February 8, 2007 I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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